IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO. 66 OF 2007

WITH

CIVIL APPLICATION NO. 101 OF 2007

Shri Subhash Tulshiram Birari .. Appellant.

Vs.

Shri Khanderao Namdev Mankar & Ors. Respondents

Mr. S.S.Shah for the appellant.

CORAM: A.M.KHANWILKAR,J.

DATE : 9th February, 2007.

P.C.

1. Heard Counsel for the appellant.

2. I see no reason to differ from the opinion expressed by the Court below. In the event the appellant succeeds in the suit, the appellant can be compensated in terms of damages for which reason no irreparable loss or injury will be caused to the appellant in the event of refusal of interim relief during the pendency of the suit.

3. The argument that the subsequent agreement

entered into between the defendants and the third party in respect of the same property also does not impress me. That by itself cannot be the basis to grant any interim protection to the appellant as pressed into service by the appellant.

Hence, the Appeal is dismissed.

4. In view of the order in Appeal, the companion Civil Application stands disposed of.

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(A.M.KHANWILKAR,J.)